

### **REMARKS**

This is a full and timely response to the Office Action mailed June 3, 2005.

Claims 7-12 have been added to more particularly recite a feature of the present invention. Thus, claims 1-12 are currently pending for the Examiner's consideration.

In view of this response, Applicants believe that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks are respectfully requested.

#### **Rejection under 35 U.S.C. §103**

Claims 1-3, 5 and 6 remain rejected under 35 U.S.C. §103(a) as allegedly being obvious over Parker et al. (U.S. Patent 4,403,004) in view of Vander Velden et al. (U.S. Patent 5,494,745). Further, claim 4 remain rejected under 35 U.S.C. §103(a) as allegedly being obvious over Parker et al. in view of Vander Velden et al. and further in view of Sidders (U.S. Patent 4,183,975). Applicant again respectfully traverses these rejections.

As stated in our Amendment filed March 31, 2005, to establish a *prima facie* case of obviousness, the prior art references, in combination, must teach or suggest the invention as a whole, including all the limitations of the claims. Here, in this case, the combination of Parker et al. and Vander Velden et al., and further in view of Sidders fails to teach or suggest the limitation “*a backing material integrally bonded to a back surface of said substrate through an adhesive layer.*”

As previously argued, Parker et al. teaches a decorative metallized laminate comprising a base layer prepared from a thermo-formable resin film, **with both surfaces thereof coated with vapor deposited metal layers**. In contrast, the present claims are directed to a laminate film comprising a substrate, **a metal vapor deposited layer formed on a front surface of said substrate**, a transparent resin surface layer formed on the front surface of said metal vapor deposited layer, and **a backing material integrally bonded to a back surface of said substrate through an adhesive layer**. In other words, in the present invention, the metal vapor deposited layer is formed on the **front surface of said substrate** while a backing material is integrally bonded to the **back surface of said substrate through an adhesive layer**. By coating **both surfaces of the base layer (i.e. substrate) with vapor deposited metal layers** (see column 4, lines 58-59, of Parker et al. which states “[B]ase layer 12 is provided on both of its surfaces with

*tightly adherent, reflective metal coatings 14 and 16*”), Parker’s laminate cannot comprise “a backing material integrally bonded to a back surface of said substrate through an adhesive layer” since the back surface of the base layer is already coated with a metal layer.

This deficiency in Parker et al. is not cured by the teachings and suggestions of Vander Velden et al. and Sidders. Vander Velden et al. is directed to a multilayer laminated structure and is only cited to support the Examiner’s position that conventional laminating techniques include adhesive lamination. Likewise, Sidders is directed to a vacuum metallizing process and is only cited to support the Examiner’s position that the capping layer of Parker et al. can be modified to comprise urethane-based resin.

The Examiner responded to our arguments by indicating that the claims “do not exclude the possibility of layers intervening between the substrate and the adhesive layer and/or the adhesive layer and the backing material”. However, Applicant argues that the claimed phrase “integrally bonded” should be interpreted to exclude the presence of layers intervening between the substrate and the adhesive layer and/or the adhesive layer and the backing material. In Merriam-Webster Online Dictionary, the term “integral” is defined as “essential to completeness”, “composed of integral parts” or “lacking nothing essential”. Based on such a definition, it is clear that non-essential and non-integral layers such as the *reflective metal coatings 14 and 16*” disclosed in Park et al. should not intervene between the substrate and the adhesive layer and/or the adhesive layer and the backing material. The “essential parts to completeness” or “integral parts” of the present invention are the backing material, the back surface of the substrate and the adhesive layer. The relationship between these parts is defined in the claims as “a backing material integrally bonded to a back surface of said substrate via an adhesive layer”.

If a metal coating layer is interposed between the substrate and the adhesive layer, then the backing material can only be seen by one skilled in the art to be integrally bonded to the metal coating layer and not to the back surface of the substrate. Likewise, if the metal coating layer is interposed between the adhesive layer and the backing material, then the backing material also cannot be seen by one skilled in the art to be integrally bonded to the back surface of the substrate since such a place is being occupied by the metal coating layer. It should also be noted that since the adhesive layer is interposed between the metal coating layer and the back surface of the substrate, there is no adhesive layer to bond the backing material to the metal coating layer.

Such an interpretation is consistent with that which is disclosed in the specification. On page 1 of the specification, it is disclosed that prior art laminate films, as shown in, for example, FIG. 5, have comprised of a surface substrate 51 made of a transparent polyester-based resin, a metal vapor deposited layer 52 formed by sputtering of aluminum, chromium, or an alloy of the same **on the back surface of the surface substrate 51**, and a polyvinyl chloride or **other backing material 54 integrally bonded to the back surface of the metal vapor deposited layer 52 via an adhesive layer 53**. Thus, it is clear from this disclosure that if the metal vapor coating layer is interposed between the adhesive layer and the back surface of the substrate, the backing material will be integrally bonded to the back surface of the metal vapor coating layer and not the back surface of the substrate.

Such an interpretation is further reinforced by the teachings in FIG. 1 and on page 3, line 29 to page 4, line 1 of the specification. As shown in FIG. 1, the sparkling laminate film 10 according to the present invention is comprised of a substrate 11, a metal vapor deposited layer 20 formed on a front surface 11a of that substrate 11, a transparent resin surface layer 30 formed on the front surface of the metal vapor deposited layer 20, and a backing material 15 **integrally bonded** to a back surface 11b of the substrate 11 via an adhesive layer 14. Based on such descriptions and FIG 1, it is clear that the claim limitation “*a backing material integrally bonded to a back surface of said substrate through an adhesive layer*” cannot be interpreted to include the possibility of layers intervening between the substrate and the adhesive layer and/or the adhesive layer and the backing material.


Thus, for these reasons, this rejection can no longer be sustained and should be withdrawn.

### CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

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Respectfully submitted,

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Main Entry: **<sup>1</sup>in·te·gral** Ⓢ Ⓢ

Pronunciation: 'in-ti-gr&l (usually so in mathematics); in-'te-gr&l also -'tE- also + 'in-tr&-g&l

Function: *adjective*

**1 a** : essential to completeness : **CONSTITUENT** <an *integral* part of the curriculum> **b** (1) : being, containing, or relating to one or more mathematical *integers* (2) : relating to or concerned with mathematical *integrals* or *integration* **c** : formed as a unit with another part <a seat with *integral* headrest>

**2** : composed of integral parts**3** : lacking nothing essential : **ENTIRE**- **in·te·gral·i·ty** Ⓢ /'in-t&- 'gra-l&-tE/ *noun*

- **in·te·gral·ly** Ⓢ /'in-ti-gr&-lE; in-'te-gr&- also - 'tE-/ *adverb*

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